IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1348 OF 2005

IN

SUIT NO.589 OF 2004

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Tata Motors Ltd. ...Plaintiff

v/s.

Praman Motors Ltd. & Ors. ...Defendants

...

Mr.G.R.Joshi with Mr.Avinash Joshi i/b Mulla & Mulla for the Plaintiffs.

Mr.V.N. Tayade for Defendant No.1 & 2.

Ms. Shrivastava i/b Consulta Juris for Defendant No.5.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD DECEMBER,2005

P.C.:

Heard the learned Counsel for both sides. Perused the record. Considering that, admittedly the Defendant No.1 has not paid the amount and considering that the property is in possession of the Receiver and for protection of that property considerable expenditure is being incurred, in my opinion, it will be in the interest of justice and everybody concerned to sell the property by the Receiver. Keeping the property with the Receiver will not serve anybody's purpose. It is claimed by the Defendant No.5 that property is charged in their favour. It is clear from the record that the property is also mortgaged with the Plaintiff.

2. Taking overall view of the matter, therefore, in my opinion, it will be appropriate to grant this Notice of Motion in terms of prayer clause (a), excluding bracketed portion. The Receiver shall sell

the property by public auction. After the sale-proceeds are received by the Receiver, the parties shall be at liberty to apply to the court for appropriate reliefs. Notice of Motion disposed of.

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